IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1768 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE D.A.MEHTA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

ANILKUMAR R SHAH

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 1768 of 1989

MR RN SHAH for Petitioner No. 1

GOVERNMENT PLEADER for Respondents No. 1,3-4

NONE APPEARS THOUGH NOTICE SERVED for Respondents No. 2,5

CORAM : MR.JUSTICE D.A.MEHTA

Date of decision: 25/10/2001

ORAL JUDGEMENT

1 This petition was admitted on 10/3/1989 and at that point of time it was ordered to be heard along with

2 On 13/6/1991 this Court has already disposed of Special Civil Application No. 1474 of 1988 by partly allowing the said petition in the following terms :

"The Court directs that the petitioners, who have not so far applied for licence, to make applications for licence under the Indian Telegraph Act or the Indian Wireless Telegraphy Act, as may be necessary, within four weeks from today. The Court also directs that the petitioners, whose applications are rejected, are also to apply within four weeks for necessary licences and the petitioners, who have not made any application so far are also to make applications within four weeks from today. The Court also directs the authorities under the Indian Telegraph Act and the Indian Wireless Telegraphy Act to dispose of the applications within four weeks from the date of receipt of the applications. The Court also directs the authorities, till then, not to prosecute the petitioners for maintaining and working their Video Cable Net Works on the ground that they are violating the provisions of the Indian Telegraph Act and the Indian Wireless Telegraphy Act".

3 From the facts that have come on record the petitioner has obtained necessary licence under sections 4 and 7 of the Indian Telegraphs Act,1885 and under section 10 of the Indian Wireless Telegraphy Act,1933 from the Telecom District Engineer, Himmatnagar Division, Himmatnagar which is stated to be valid upto 31/12/1988. Thereafter, whether the said licence has been extended or not is not known. Hence, it is directed that in case such an extension has not been obtained and/or if the petitioner is required to apply for licence under the Indian Telegraphy Act or the Indian Wireless Telegraphy Act, as may be necessary, he may apply within four weeks from today. It is also directed that in case the application was rejected for any reason he may also apply within four weeks for the necessary licences. The authorities under the Indian Telegraph Act and the Indian Wireless Telegraphy Act and the Indian Wireless Telegraphy Act are directed to dispose of the application within four weeks from the date of receipt of the application and till then not to prosecute the petitioner for maintenance and working Video Cable Network on the ground that they are violating the provisions of the Indian Telegraph Act and the Indian Wireless Telegraphy

Act.

4 It would be open to the concerned authority to take appropriate legal action if uncertified Video Cassettes are exhibited and the petitioner would be entitled to exhibit only certified Video Cassettes and at no point of time uncertified Video Cassettes shall be exhibited.

5 This petition is disposed of accordingly. Rule made absolute in the aforesaid terms with no order as to costs.

Sd/-
(D.A.Mehta, J)

m.m.bhatt